IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.144 OF 2005
WITH
CRIMINAL WRIT PETITION NO.145 OF 2005

M/s.Pubs Allied Beverage Systems Ltd. and Anr. ..Petitioners

Vs.

State of Maharahstra & Anr. ..Respondents

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Smt.Manorama Mohanty i/b S.K.Srivastava & Co. for for Petitioners
Mr.V.B.Konde-Deshmukh A.P.P. for the State in 144 of 2005
Mr. B.H.Mehta A.P.P. for the State in 145 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 4, 2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State in both the matters.

2. The petitioners are seeking quashing of process issued by the learned Addl.Chief Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai in

C.C.No.1632/S/2003 and C.C.No.1768/S/2003. In the said cases, process was issued against the petitioners under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revisions before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revisions before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revisions will be preferred within four weeks from today. I am informed that the matters before the trial Court are kept on 27th October, 2005. In view of this statement, the trial Court shall not

proceed with the cases on 27.10.2005 and for a period of ten days thereafter.

5. On the necessary revisions being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matters on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]